

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

UNITED STATES OF AMERICA

§
§
§
§
§
§

VS.

Nos. A-12-CR-105- SS

MOHAMMED ALI YASSINE

§

DEFENDANT'S PROPOSED VOIR DIRE QUESTIONS

TO THE HONORABLE JUDGE OF SAID COURT:

NOW COMES Defendant Mohammad Ali Yassine, and pursuant to Rule 24(a) of the Federal Rules of Criminal Procedure, requests that he be allowed, through his attorney or alternatively, that the Court ask the following questions to the jury panel in this cause:

1. Would any member of the jury panel tend to believe the testimony of a government agent rather than the testimony of a defendant or any other private citizen solely because the agent is a government employee or a law enforcement officer?
2. Does every member of the jury panel understand that the jury system in our country is a protection that a citizen has against his or her government and its law enforcement agents?
3. Have any members of the jury panel ever served on a federal or state grand jury?
4. Have any members of the immediate families of the jury panel ever served on a state or federal grand jury?

5. Does each member of the jury panel understand that the fact that a person has been indicted by a grand jury has no bearing whatsoever on the issue of whether that person is guilty of the offense charged?

6. Have any members of the jury panel or members of your families ever served or been employed in an office of a state or federal prosecutor?

a. When were you or your family member employed by the state or federal prosecutor?

b. Who was the state or federal prosecutor by which you or your family member were employed?

c. How long were you or your family member employed by the state or federal prosecutor?

7. Have any members of the jury panel or members of your families ever been employed by the Federal Bureau of Investigation?

7. Are any members of the jury panel's family acquainted with Robert Pittman, the United States Attorney?

8. Are any members of the jury panel personally acquainted with any members of the staff of the United States Attorney?

9. Are any members of the jury panel personally acquainted with Gregg Sofer the prosecutor who is in charge of the prosecution of this case?

10. Are any members of the jury panel personally acquainted with any of the witnesses for the prosecution?

11. Do any members of the jury panel have knowledge about this case either from television, radio, newspapers or Internet? If so please raise your hand.

12. Has any member of the jury panel known anyone who has been a victim of a crime?

13. Has any member of the jury panel ever been a member of any organization that supported stronger criminal laws?

14. Has any member of the jury panel or any close relative of a member of the jury panel ever been employed by the federal government?

a. When were you or your relative employed by the government?

b. What governmental agency were you or your family member employed by?

c. Why did you or your relative leave your employment with the government?

15. Has any member of the jury panel or close relative of a member of the jury panel ever had a business or contractual relationship with the federal government?

a. What is the nature of the relationship with the government?

b. When was the relationship with the government?

c. Who decided to terminate the relationship with the government?

16. Has any member of the jury panel or any close relative of a member of the jury panel ever been employed as a law enforcement officer?

a. When was that employment?

b. Was it a state or federal law enforcement officer?

c. What did you or your relative do as a law enforcement officer?

17. Has any member of the jury panel or any close relative of any member of the jury panel ever filed criminal charges against any one?

a. What was the nature of the criminal charges?

b. When were the charges filed?

c. What was the result of the charges being filed?

18. Has any member of the jury panel or a close relative ever served as a juror in a civil or criminal case?

- a. Was it a civil or a criminal case?
- b. Was it a state or federal case?
- c. (if criminal) What were the charges in the case?
- d. What law enforcement officers testified for the prosecution in the case?
- e. Who was the prosecuting attorney in the case?
- f. Who was the judge in the case?
- g. Did you reach a verdict in the case?
- h. What was the verdict?

19. Has any member of the jury panel or a close relative ever testified in a criminal case?

- a. Was it a state or federal case?
- b. Did you or your relative testify before a grand jury in a criminal case?
- c. Did you or your relative testify at the actual trial of the case?
- d. Were you called by the prosecution or the defense in the case?

20. Does any member of the jury panel have any close friends who are involved in any way with a federal or state law enforcement agency?

21. Does any member of the jury panel believe that members of any particular religious group are more likely than others to commit a crime?

22. Does any member of the jury panel believe that people whose families originally came from Lebanon are more likely than others to commit a crime?

23. Does any member of the jury panel believe that members of any particular ethnic group are more likely than others to commit a crime?

24. The law of the United States provides that a defendant does not have to

testify in any criminal case. Our law further provides that if a defendant fails to testify you may not consider that for any purpose in deciding whether the defendant is guilty. Is there any member of the jury panel who, because of personal feelings or otherwise, would be able to follow that law?

25. Is there any member of the jury panel who feels that if defendant does not testify then it is some indication that the defendant might be guilty?

26. Does each member of the jury panel understand that an attorney, whether the prosecuting attorney or the defense attorney, has a legal duty to object to evidence he feels should not be legally admitted before the court or the jury?

27. Does each member of the jury panel understand that you cannot consider the fact that objections were made to certain evidence, regardless of the court's ruling, as any indication of a defendant's guilt?

28. Is there any member of the jury panel who can't be fair because a defendant is of Muslim or Middle Eastern descent?

29. Is there any member of the jury panel who can't be fair because a defendant is of African descent?

30. Does any member of the jury panel speak French or Arabic?

31. Has any member of the jury panel ever been a professional interpreter?

32. If any member of the jury panel has ever been a professional interpreter, for what language?

33. Does each member of the jury panel understand that the verdict in this case must be unanimous and it is not a situation where the majority wins?

34. Will each member of the jury panel vote your own personal individual vote in this case regardless of the feelings of the other jurors?

35. Will each member of the jury panel vote your own personal vote even if

you are in a small minority in that vote?

36. Is there any member of the jury panel that thinks that the Defendant must have done something wrong or he would not be on trial in this courtroom today?

37. Does each member of the jury panel understand that the Defendant is presumed or assumed to be innocent at this time?

38. Does each member of the jury panel understand that as the Defendant sits here before you he is no more guilty of anything than is any member of the jury panel or any one else in this courtroom?

39. Does each member of the jury panel understand that if you were called upon to vote for guilty or not guilty at this time, you would have to vote not guilty because of the presumption of innocence?

40. Does each member of the jury panel understand that a defendant is not required to prove that he is innocent?

41. Is any member of the jury panel or a close relative personally acquainted with the Judge?

42. Do any members of the jury panel recognize any other members of the jury panel as being a close friend or associate in any way?

The above questions are respectfully submitted by the Defendant to aid Defendant in effectively exercising his peremptory challenges. It is hereby requested that the Court, in the event that some questions but not all of the above are asked to the prospective jurors, indicate those he will not ask by circling the number adjacent to the question he will not ask and informing counsel of his decision prior to the jury panel being selected.

Respectfully submitted,

/s/ Stephen M. Orr
STEPHEN M. ORR
ORR & OLAVSON, P.C.
804 Rio Grande Street
Austin, Texas 78701
(512) 472-8392
FAX 473-8417
Texas Bar No. 15317000

CERTIFICATE OF SERVICE

I hereby certify that on the 26th day of September, 2012, a true and correct copy of the foregoing instrument was electronically filed with the Clerk of the Court, using the CM/ECF System which will transmit notification of such filing to all counsel of record.

Gregg Sofer, AUSA
816 Congress Ave., Suite 1000
Austin, Texas 78701

/s/ Stephen M. Orr
STEPHEN M. ORR

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

UNITED STATES OF AMERICA

§

VS.

§

Nos. A-12-CR-105- SS

§

§

MOHAMMED ALI YASSINE

§

O R D E R

CAME on this day for consideration by the Court, the proposed voir dire questions of Defendant. The questions, the number adjacent to which the Court has circled, will not be asked. The remaining questions will be asked. The Court notes that the Defendant has specifically objected to the Court's not asking each and every one of the above circled questions prior to the interrogation of the jury panel.

ENTERED this _____ day of _____, 2012,
at _____.

UNITED STATES DISTRICT JUDGE